IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 5384 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE A.M.KAPADIA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

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MUBARAK HARUN MEMON

Versus

STATE OF GUJARAT

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Appearance:

1. Criminal Misc.Application No. 5384 of 2003

MR MM TIRMIZI for Petitioner No. 1

MR. V.M.PANCHOLI, APP for Respondent No. 1

DS AFF.NOT FILED (R) for Respondent No. 2

NOTICE SERVED BY DS for Respondent No. 2

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CORAM : HON'BLE MR.JUSTICE A.M.KAPADIA

Date of decision: 07/07/2004

ORAL JUDGEMENT

Mr. M.M.Tirmizi, learned advocate of the petitioner seeks leave to withdraw the petition reserving liberty to raise all the contentions which he has raised in this petition before the learned Magistrate during the course of trial arising out of the offence registered vide CR No. I-1002 of 2002 at Songadh Prohibition Station, Surat for commission of the alleged offence punishable under Section 70(A) of the Bombay Prohibition Act. Mr. V.M.Pancholi, learned APP appearing on behalf of respondent State of Gujarat has no objection if leave as prayed for is granted. Hence, leave to withdraw the petition is granted. Petition stands disposed of as it is withdrawn. Rule is discharged.

It would be open for the petitioner to raise all the contentions which he has raised in this petition before the learned Magistrate during the course of trial arising out of the offence registered vide CR No. I-1002 of 2002 at Songadh Prohibition Station, Surat for commission of the alleged offence punishable under Section 70(A) of the Bombay Prohibition Act. Learned Magistrate shall consider all the contentions and decide the trial in accordance with law and uninfluenced by the fact that the petitioner has preferred this quashing petition before this Court which has been disposed of as it is not pressed.

(A.M.Kapadia,J)

Jayanti*